

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA <i>ex rel.</i>)	
CHRISTOPHER R. GOBBLE, <i>et al.</i> ,)	Civil Action No. 03-10395-NMG
)	
Plaintiffs,)	
)	
v.)	
)	
FOREST LABORATORIES, INC., and)	
FOREST PHARMACEUTICALS, INC.,)	
)	
Defendants.)	
)	
UNITED STATES OF AMERICA <i>ex rel.</i>)	
JOSEPH PIACENTILE, <i>et al.</i> ,)	Civil Action No. 05-10201-NMG
)	
Plaintiffs,)	
)	
v.)	
)	
FOREST LABORATORIES, INC.,)	
)	
Defendant.)	
)	

STIPULATION OF DISMISSAL

Civil Action Nos. 03-10395-NMG and 05-10201-NMG (the “Civil Actions”) are actions under the *qui tam* provisions of the False Claims Act, 31 U.S.C. §§ 3729-3733, filed by relators Christopher R. Gobble (“Gobble”) and Joseph Piacentile (“Piacentile”) (collectively “relators”) against Forest Pharmaceuticals, Inc., and Forest Laboratories, Inc. (collectively, “Forest”).

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the Settlement Agreement and Release among the United States, Forest, Relators

Gobble and Piacentile, and others, and in accordance with the terms set forth in separate agreements relating to attorneys' fees and costs between Relators Gobble and Piacentile and Forest, the Parties hereby stipulate, through their undersigned counsel, to the entry of an order (1) dismissing with prejudice all claims asserted on behalf of the United States against Forest in the Civil Actions for the Covered Conduct as defined in Preamble Paragraph II.G.1-2 of the Settlement Agreement and Release, and dismissing with prejudice the United States' Complaint in Intervention in its entirety, (2) dismissing with prejudice to relators any remaining claims asserted against Forest in the Civil Actions, including, but not limited to, any claims for expenses, attorneys' fees, and costs under 31 U.S.C. § 3730(d), and (3) dismissing without prejudice to the United States any remaining claims against Forest in the Civil Actions; *provided, however,* that this Stipulation does not resolve any claims set forth in the Gobble *qui tam* action pursuant to 31 U.S.C. § 3730(h), and any damages, fees, and/or other relief sought pursuant to 31 U.S.C. § 3730(h), that are explicitly preserved in the Settlement Agreement and Release, and Forest reserves any claims or defenses that it may assert relating in any way to such claims.

Relators Gobble and Piacentile, individually and on behalf of themselves, their heirs, successors, attorneys, agents, and assigns, stipulate that the Settlement Amount set forth in the Settlement Agreement and Release and the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that neither relator will challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that each relator expressly waives the opportunity for a hearing on any objection to the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B).

The parties respectfully request that the Court enter an order in the form of the attached proposed order.

Respectfully submitted,

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Dated: September 20, 2010

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Dated: September 20, 2010

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UNITED STATES OF AMERICA *ex rel.*)
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FOREST LABORATORIES, INC.,)
)
Defendant.)
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ORDER OF DISMISSAL

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States, Forest Pharmaceuticals, Inc., and Forest Laboratories, Inc. (collectively, “Forest”), and relators Christopher R. Gobble and Joseph Piacentile (collectively, “relators”) filed a Stipulation of Dismissal as to claims against Forest. Upon due consideration of the Stipulation and the other papers on file in this action,

IT IS HEREBY ORDERED that:

1. Consistent with the terms of the Settlement Agreement and Release executed by the United States, Forest, and relators, the *Piacentile* action is hereby dismissed: (a) with

prejudice, with respect to all claims asserted therein on behalf of the United States against Forest for the Covered Conduct as defined in Preamble Paragraph II.G.1–2 of the Settlement Agreement and Release, (b) with prejudice to the relator, with respect to any remaining claims asserted therein, including, but not limited to, any claims for expenses, attorneys' fees, and costs under 31 U.S.C. § 3730(d), and (c) without prejudice to the United States, with respect to any remaining claims asserted therein.

2. Consistent with the terms of the Settlement Agreement and Release executed by the United States, Forest, and relators, and subject to the exception set forth in paragraph 3 hereof, the *Gobble* action is hereby dismissed: (a) with prejudice, with respect to all claims asserted therein on behalf of the United States against Forest for the Covered Conduct as defined in Preamble Paragraph II.G.1–2 of the Settlement Agreement and Release, (b) with prejudice to the relator, with respect to any remaining claims asserted therein, including, but not limited to, any claims for expenses, attorneys' fees, and costs under 31 U.S.C. § 3730(d), and (c) without prejudice to the United States, with respect to any remaining claims asserted therein.

3. This Order does not apply to any claims set forth in the *Gobble* action pursuant to 31 U.S.C. § 3730(h), and any damages, fees, and/or other relief sought pursuant to 31 U.S.C. § 3730(h), that are explicitly preserved in the Settlement Agreement and Release, and Forest reserves any claims or defenses that it may assert relating in any way to such claims.

4. The Complaint in Intervention filed on February 13, 2009, by the United States in Civil Action No. 03–10395–NMG and Civil Action No. 05–10201–NMG is hereby dismissed with prejudice.

Done this _____ day of _____, 2010.

NATHANIEL M. GORTON
UNITED STATES DISTRICT JUDGE